

Subject: RE: Third Party Witnesses (Declarants) Depositions | Richtone v. True Pilates et al., Docket 7:22-cv-01606
Date: Tuesday, March 28, 2023 at 1:31:09 PM Eastern Daylight Time
From: James Klobucar
To: Gordon Troy, Lawrence A. Stanley Esq.
CC: Anna Marie, David Postolski
Attachments: image001.png, image002.png, image003.png, 03970RDG01CRL_230317_ROGGs.docx, 03970RDG01CRL_230317_RFAs.docx, 03970RDG01CRL_230317_RFPs.docx

We are preparing a response to your letters of March 17, 22, and 24. Separately, we are available for a meet and confer Friday March 31 at 900am ET. Please confirm your availability for the same. Attached are the word doc files of the discovery requests.

With regards to scheduling the depositions sought by Plaintiff, we will remind you that, per our previous email and court practice, depositions are to be taken during business hours on days that the court is operating. Starting a deposition that will continue for hours at the end of the business day is not acceptable. It is the witnesses' responsibility to make themselves reasonably available in accordance with court practice. If they are unwilling to do so, then they should not have submitted a declaration. If necessary, we will seek relief from the court to have them ordered to appear at an appropriate time.

For Ms. Cuomo, we can take her deposition on Wednesday April 12. If she can be made available earlier that would be preferential as starting at 130pm ET will most certainly continue well past the close of business.

For Ms. Gadar and Ms. Paldi, we cannot do both depositions on the same day mere hours apart. Quite simply, there is no guarantee (quite unlikely) that starting, as you suggest, with Ms. Paldi @ 1000am ET we would be done in time to begin with Ms. Gadar @ 200pm ET that same day. To that end, please provide alternate dates/times for both of Ms. Gadar and Ms. Paldi. We will endeavor to take at least one of their depositions that day.

For Ms. Erdmann, we can take her deposition on April 25. However, we have the same issue here as we do with Ms. Cuomo. We are afforded up to seven hours to take a deposition and starting a deposition at near the close of the business day is impractical and will certainly burden the witness well into the night. We propose a 1100am ET start time. Please confirm or provide an alternative date/time.

For Mary/True Pilates, we reiterate that David and I are NOT available for Mary Sullivan's fact deposition and True Pilates' 30(b)(6) deposition on Easter Sunday April 9, Sunday April 23, or Sunday April 30. Further, both David and I are out of the country and unavailable the week of April 17. We are available the week of April 24 save for April 25 assuming Ms. Erdmann is agreed to be deposed that day. Accordingly, we await alternative dates and times from you for Mary/True Pilates. We are entitled to depose Mary as a fact witness and whoever True Pilates designates as their 30(b)(6) witness. If it is to be Mary for both depositions, we will commence with Mary in her 30(b)(6) capacity and continue until completion. We will then depose her as a fact witness thereafter on non-duplicative topics and will continue day to day until completed. There is no guarantee that both depositions will be able to be completed in one day. Thus, we refer to our prior suggestion that the depositions are done on separate days. Otherwise, in accordance with the rules, we will continue day to day until completed and she will need to be available the following day to continue if necessary. Please provide alternative dates/times accordingly.

James Klobucar, Esq.
Partner



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From: Gordon Troy <gtroy@webtm.com>
Sent: Monday, March 27, 2023 10:28 AM
To: Anna Marie <amarie@gearhartlaw.com>; Lawrence A. Stanley Esq. <lstanley@webtm.com>
Cc: James Klobucar <james@gearhartlaw.com>; David Postolski <david@gearhartlaw.com>
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Ms. Strand and Mssrs. Postolski and Kloubucar:

As we told Mssrs. Postolski and Kloubucar in our earlier conversation with you several weeks back regarding discovery, we are always available to meet and confer over any issues that may arise. In order to facilitate discussion, we sent you letters on March 17 and March 22, carefully laying out our objections to your discovery responses and requests, but we heard nothing from you until Ms. Strand's email this morning. (Likewise, you ignored our request for Word files of the discovery you served.) Please provide a date and time for an immediate meet and confer regarding all three letters of our letters -- March 17, 22 and 24.

Gordon

Gordon E. R. Troy | Attorney At Law | Gordon E. R. Troy, PC | *FedEx-UPS-DHL: 183 Highfield Drive, West Windsor VT 05089* | *Postal: PO Box 67, Windsor, VT 05089* | *Direct: 802 881-0647* | *Main: 802 881-0640* | *Mobile/WhatsApp: 802 488-0097* | e: gtroy@webtm.com | *Skype: gordonstroy* | This communication may contain information which is confidential, legally privileged and/or protected by attorney-client privilege or under the attorney work product doctrine. Only the intended recipient of this email is authorized to read its contents.

For all trademark matters, please copy tm@webtm.com

From: Anna Marie <amarie@gearhartlaw.com>
Date: Monday, March 27, 2023 at 8:16 AM
To: Gordon Troy <gtroy@webtm.com>, Lawrence A. Stanley Esq. <lstanley@webtm.com>
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Subject: Third Party Witnesses (Declarants) Depositions | Richtone v. True Pilates et al., Docket 7:22-cv-01606

RE: Richtone Design Group v. Mary Sullivan Kelly, True Pilates Boston LLC et al.
Docket No.: 7:22-cv-01606

Mr. Troy,

We are in receipt of your March 24, 2023 letter regarding deposition notices for third-party witnesses, which was sent to Attorneys Klobucar and Postolski at 11:00 pm. on Friday evening, March 24, 2023. Please know that Attorneys Klobucar and Postolski will prepare a response to your letter; however, counsel have commitments this morning and cannot respond to your lengthy letter by your demanded response time of noon today. Additionally, Attorneys Klobucar and Postolski will follow Magistrate Krause's Individual Practices and would like the opportunity to meet and confer with you to resolve any disputes as they relate to depositions notices for third-party witnesses.

Thank you.

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